



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 3, 1996

Mr. Steve Bender  
Vice-President  
Combined Consumer Water Supply Corporation  
P.O. Box 470  
Quinlan, Texas 75474

OR96-0865

Dear Mr. Bender:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39474.

The Combined Consumer Water Supply Corporation (the "corporation") received a request for certain information, including copies of the voting proxies for the 1995 and 1996 annual meetings. It is our understanding that you do not object to providing any of the information requested except for the voting proxies of the corporation's members. You contend that the proxies, which show the directors selected by each member and each member's signature, name, address, and meter number, are confidential under section 552.101. You have submitted a representative sample of the proxies at issue to this office for review.<sup>1</sup>

Section 552.101 provides an exception from disclosure for information "considered to be confidential by law, either constitutional, statutory, or by judicial decision." The corporation was created pursuant to article 1434a, V.T.C.S., and is also subject to provisions of the Texas Non-Profit Corporation Act, article 1396-1.01 *et seq.*, See V.T.C.S. art. 1434a, § 2(d), 5. Neither the Non-Profit Corporation Act nor article 1434a make the voting proxies confidential.

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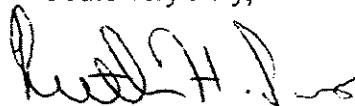
<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.101 also excepts from required public disclosure information made confidential by a common-law right of privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d. 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Common-law privacy excepts from disclosure information that contains highly intimate or embarrassing facts, the disclosure of which would be objectionable to a reasonable person, provided that such information is of no legitimate concern to the public.

We note that it is our understanding that other requested information, including the roster showing the individuals who actually voted has already been released, and thus the only information at issue are the voting proxies. Although we believe that a roster of the names of the members who actually cast votes is public, and also that information showing the total number of votes cast for each director is public, we agree with your contention that information showing how each member voted is private. We have thus de-identified the voting proxies. You must withhold the marked information on the voting proxies and release the remaining information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Decision

RHS/ch

Ref.: ID# 39474

Enclosures: Submitted documents

cc: Carol Murrey  
P.O. Box 983  
Terrell, Texas 75160  
(w/o enclosures)